

The Honorable Brian A. Tsuchida

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

KENNETH JOHANSEN, on behalf of himself  
and all others similarly situated,

Plaintiff,

vs.

EFINANCIAL LLC,

Defendant.

No. 2:20-cv-01351

**DEFENDANT'S NOTICE OF  
SUPPLEMENTAL AUTHORITY IN  
SUPPORT OF ITS MOTION FOR  
SUMMARY JUDGMENT**

Defendant Efinancial LLC (“Efinancial”) files the following supplemental authority in support of its Motion for Summary Judgment (Dkt. 24) and respectfully requests that this Court consider this supplemental authority. *Johansen v. Bluegreen Vacations Unlimited, Inc.*, Case No. 20-81076, Order, Dkt. 95 (S.D. Fla. Sept. 30, 2021), attached as Exhibit A, involves the same Plaintiff as the instant litigation. There, the Court denied class certification based in part on Plaintiff’s admission that he used deceitful conduct in TCPA cases, including posing as an interested customer in conversations with defendants. *Johansen*, Case No. 20-81076, Order, Dkt. 95 at p. 10. The Court noted it had “serious concerns about the Plaintiff’s credibility, honesty, trustworthiness, and motives in bringing forth this putative class action.” *Id.* at p. 11.

WHEREFORE, Efinancial respectfully requests that this Court consider this supplemental authority.

Date: October 14, 2021

/s/ Terance A. Gonsalves

Terance A. Gonsalves (admitted *pro hac vice*)

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 14, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which automatically sends an electronic notification to all counsel of record and other CM/ECF participants.

/s/ Terance A. Gonsalves  
Terance A. Gonsalves